REMARKS

The present application relates to benzoylcyclohexanedione herbicides.

It is believed that no fee is required for consideration of this paper. If, however, a fee is due, the Assistant Commissioner is authorized to charge the fee, or credit any overpayment, to Deposit Account 50-0320.

Claims 1 to 8 and 13 to 19 are pending. Claims 9 to 12 are canceled, claims 1, 3, and 13 are amended, and claims 14 to 19 are added. As discussed below, support for the amended claims and added claims is found in the original specification and claims. Therefore, no new matter is added.

The amended claims are directed to preferred embodiments wherein X^2 is not substituted by [L_p-R^3] radicals. The amendments are being made in order to advance prosecution by making the claims more commensurate in scope with the experimental evidence. Applicants reserve the right to file a continuing application directed to the subject matter canceled in this Amendment.

Claims 1 to 13 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. It is respectfully submitted that the amendments and remarks herein, as discussed below, render the rejections moot. Accordingly, reconsideration and withdrawal of the rejections are requested.

Claim 1 (as well as claims 2 to 13, which depend from claim 1) stands rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for five reasons.

First, the Office Action asserts (at 2) that the recitation of "w halogen atoms" is unclear because "it is unclear if w is the number of radicals, or a variable substituted with halogen atoms." The Office Action also asserts (at 2) that the recitation of "k radicals" and "v radicals" is similarly unclear. It is respectfully submitted that "w halogen atoms" and "v radicals" are definite because w is defined in claim 1 as an integer ranging from 0 to 4, and v is defined as an

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integer ranging from 0 to 3. Furthermore, the "k radicals" rejection is mooted by the amendment of claim 1 that deletes the recitation of "k radicals $[L_p\text{-}R^3]$" linked to X^2. In addition, the specification has been consonantly amended. Support for these amendments can be found in Tables 1 to 3, which list 279 compounds that have <u>no</u> $[L_p\text{-}R^3]$ radicals linked to X^2.

Second, the Office Action asserts (at 2) that the valence of the nitrogen in, for example, $N\text{-}OR^8$ in the definition of R^3 is incomplete. It is respectfully submitted that the definition of R^3 is definite because—as can be seen from the recitation of <u>oxo</u> in the Markush group containing $N\text{-}OR^8$—the recited radicals are connected to $C^1(C^2)_q(C^3)_o$ by double bonds.

Third, the Office Action asserts (at 3) that "the proviso for p, w, and x is unclear if it is meant for p, w, and x in the definition of L only, or it is meant for all instances where p, w, and x appear." The definition of L is bipartite. The first part is a Markush group. The second part is a proviso, which is specific to the definition of L, that "2 or 3 of the variable terms p, w, and x shall not be simultaneously zero." The rejection is mooted by the amendment of claim 1 that deletes the semicolon separating the two parts of the definition of L. Support for this amendment can be found, for example, in Table 1, which lists compounds such as compound 1 wherein w of $(R^5)_w$ and p of $[L_p\text{-}R^3]_v$ are simultaneously zero.

Fourth, the Office Action asserts (at 3) that "the definition of R^5 allows for 'two radicals R^5 bonded to a joint carbon atom to form a chain...' It appears that a spiro ring is intended, and not a chain." It is respectfully submitted that the definition of R^5 is definite. The first part of the definition of R^5 in claim 1 is "...$(C_1\text{-}C_4)$-alkyl..." This part of the claim is drawn to radicals such as chains. The second part of the definition of R^5 is "two radicals R^5 bonded to a joint carbon atom to form a chain selected from the group consisting of..." This part of the definition is drawn to spiro compounds. The third part of the definition of R^5 is "two radicals R^5 bonded to

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directly adjacent carbon atoms, together with the carbon atoms to which they are attached, form a 3- to 6-membered ring." This part of the definition is drawn to fused ring systems.

Claim 3 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Office Action asserts (at 3) that item (e) of claim 3 is unclear. It is respectfully submitted that item (e) is definite because p is defined in claim 1 as an integer ranging from 0 to 1. Notwithstanding, item (e) has been amended for greater clarity to recite "if p is zero, then R^3 is..."

Claims 10-12 were rejected under 35 U.S.C. §§ 101 and 112, second paragraph, as allegedly being indefinite. It is respectfully submitted that cancellation of claims 10 to 12 renders the rejection moot. Support for added claims 14 to 19, which are methods claims related to canceled use claims 10 to 12, can be found in the canceled claims.

Claim 13 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Office Action notes (at 3) that claim 13 is drawn to a different formula from that of claim 1, but nevertheless refers to claim 1 for definition of several variables. It is respectfully submitted that the rejection is mooted by the amendment of claim 13 to recite the variables.

Reconsideration and withdrawal of the claim rejections are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. Early and favorable consideration are earnestly solicited.

Respectfully submitted,
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